

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MONIQUE GRIMES, as Personal
Representative of the Estate of
Damon Grimes, deceased

Plaintiff,

v

TROOPER MARK BESSNER,
TROOPER ETHAN BERGER, and
SGT. JACOB LISS,

Defendants.

No. 2:17-cv-12860

consolidated with

Case No. 17-cv-13580

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Exhibit 5

Excerpts of Mark Bessner's criminal trial transcript

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT COURT OF MICHIGAN
CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF MICHIGAN File No. 18-000923-01-FC

v

MARK LIN BESSNER,
Defendant.

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JURY TRIAL - VOLUME IV
BEFORE THE HONORABLE MARGARET M. VAN HOUTEN
Detroit, Michigan - Thursday, October 25, 2018

APPEARANCES:

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1 Q Why did you grab your taser?

2 A Well, if this driver's going to flee from police, you know, it
3 goes hand in hand, in my experience, that there's a chance
4 there's going to be a fight afterwards in trying to take this
5 guy into custody.

6 Q What did you do with the taser when you -- where was your
7 taser?

8 A Well, the taser was in my right hand.

9 Q And was it holstered?

10 A Well, I holster it on my left. It's what we call a "cross
11 draw".

12 Q Okay. And so you removed it. And where was it during the
13 time that you thought that the driver might ditch and run?

14 A Well, what I did was, you know, you take the seatbelt off, and
15 then I've got the taser down here, you know.

16 THE COURT: For the record, he has his hand down by
17 his right leg.

18 MR. CONVERTINO: Thank you, your Honor.

19 MR. CONVERTINO: May I proceed?

20 THE COURT: You may.

21 MR. CONVERTINO: Thank you.

22 Q (CONTINUED BY MR. CONVERTINO): At that point in time, what
23 was the position of the patrol car in relation to the ATV?

24 A At what point?

25 Q When you took your taser out and put it on your right knee?

1 A Well, the vehicle was -- the ATV was in front of our vehicle.

2 Q And what happened after that?

3 A Well, after that the --

4 Q Did the ATV slow down at some point in time?

5 A Yeah, yeah, absolutely the ATVs slowed down. And Ethan, you

6 know, we overtook him a little bit -- or I wouldn't say

7 overtook him -- but we pulled up kind of side-by-side to him.

8 Q How close were you to the driver at that point?

9 A It was close. You know, it was very close.

10 Q And what did you see?

11 A I saw him reach for his waistband again.

12 Q And did he look at you, or did he look away?

13 A Yeah, he looked at me.

14 Q And did you make eye contact with him?

15 A Yeah.

16 Q And as a result of that, what did you do?

17 A I did the only thing that I thought that I could do at the

18 time, and that was I deployed the weapon that was in my hand.

19 Q And was your purpose by deploying your weapon to hit the

20 person on the ATV?

21 A Yes.

22 Q Now, is that policy acceptable policy and procedure?

23 A Yes.

24 Q Okay. And in what way is it acceptable policy and procedure

25 for you to deploy your taser from a moving vehicle to another

1 moving vehicle?

2 A Well, like -- well, like Lt. Schrader said yesterday that the
3 issue is not whether the vehicles were moving, it was taking
4 all of the factors into consideration, you know, it was a
5 deadly-force situation is what I thought. And I used the tool
6 that I had available to me.

7 Q Okay. And had you had another tool available, what would your
8 reaction have been?

9 A It would have been to use that tool.

10 Q Did you believe that your life, or the life of your partner or
11 others, was in jeopardy at that time?

12 A Yes, absolutely.

13 Q How long did it take you, sir, to come to that decision?

14 A It was like that. It was -- it was a split second. I didn't
15 have any time to make the decision.

16 Q What did you see after you deployed your taser?

17 A Well, I saw the driver turn the wheel hard, and it was almost
18 like he lost control, like he turned it too hard.

19 Q Did you believe that you, in your mind at that time, did you
20 believe that you struck the person with the taser probes?

21 A I had no idea. I didn't think so.

22 Q And why?

23 A Because there was no reaction from him. There was no reaction
24 consistent with a taser deployment.

25 Q And what reaction would you think would be consistent with a

1 STATE OF MICHIGAN)

2)

3 COUNTY OF WAYNE)

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7 I certify that this transcript, consisting of 99
8 pages, is a complete, true, and accurate transcript of testimony
9 taken in this case on October 25, 2018.

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13

14 December 11, 2018 /s/ Kim Blackburn

15 Date Kim Blackburn, RPR, CSR 7263

16 Third Judicial Circuit Court

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